

Introduced by Senator Florez

February 20, 2003

An act to amend Section 49427 of, and to add Article 3 (commencing with Section 49440) to Chapter 9 of Part 27 of, the Education Code, relating to school health, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 472, as introduced, Florez. School nurses: tobacco settlement funds.

(1) Existing law establishes criteria for employment of school medical personnel, and declares the intent of the Legislature that adequate fundamental school health services be maintained.

This bill would require the Superintendent of Public Instruction to appoint a State School Health Advisory Council to make recommendations regarding model health services programs and practices by January 1, 2005. The bill would require the council to collaborate with the State Department of Education to develop school health services and school nursing services criteria.

(2) Existing law requires counties and school districts to give initial consideration to the use of funds allocated pursuant to any appropriation from any account in the Cigarette and Tobacco Products Surtax Fund for the provision of health care to school populations for credentialed school nurses and school nurse practitioners employed by the school districts, except as stated, and to the extent that those purposes are consistent with the Tobacco Tax and Health Protection Act of 1988. Existing law provides the qualifications required for school nurses and authorizes school nurses to provide certain services if authorized by their local governing board.

This bill would create the Tobacco Settlement Fund in the State Treasury into which 10% of the state share of all funds received from the tobacco litigation Master Settlement Agreement of 1998 will be deposited, commencing July 1, 2004. The bill would appropriate an unspecified sum from the fund to be allocated pursuant to a schedule to the State Department of Education for apportionment to school districts and county offices of education, the California Community Colleges, the California State University, the University of California, and for the department's administrative costs.

Vote: ²/₃. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) The increasing school population and ratio of pupils to
4 credentialed school nurses have jeopardized the ability of schools
5 to provide safe and appropriate health services to pupils.

6 (b) Seven percent of schools have a full-time credentialed
7 school nurse.

8 (c) Seventy-five percent of schools have a part-time
9 credentialed school nurse.

10 (d) Pupils requiring glucose monitoring are enrolled at 45
11 percent of schools; 23 percent of these pupils require insulin
12 injections.

13 (e) Increasing asthma rates among school children result in 94
14 percent of schools having children with asthma.

15 (f) Untrained and unsupervised school office staff administer
16 first aid and medication to pupils in 83 percent of schools.

17 SEC. 2. Section 49427 of the Education Code is amended to
18 read:

19 49427. (a) It is the intent of the Legislature that the governing
20 board of each school district and each county superintendent of
21 schools maintain fundamental school health services at a level that
22 is adequate to accomplish all of the following:

23 (1) Preserve ~~pupils'~~ *the ability of a pupil* to learn.

24 (2) Fulfill existing state requirements and policies regarding
25 ~~pupils'~~ *the health of a pupil*.



1 (3) Contain health care costs through preventive programs and
2 education.

3 (b) The Legislature finds and declares that the provision of
4 these services may be in jeopardy due to the current caseloads in
5 the public schools, and that failure to maintain adequate health
6 services and standards will result in pupils' poorer health and
7 ability to learn.

8 (c) *The Superintendent of Public Instruction shall appoint a*
9 *State School Health Advisory Council to make recommendations*
10 *by January 1, 2005, to the State Department of Education to*
11 *identify model school health services programs and practices that*
12 *can be utilized by county offices of education to provide support*
13 *and technical assistance to schools and school districts within*
14 *each county in order to improve the safety and quality of health*
15 *services to pupils in school districts in each county. The council*
16 *shall collaborate with the State Department of Education to*
17 *develop school health services and school nursing services criteria*
18 *to be included and reviewed in the Coordinated Compliance*
19 *Review process, by January 1, 2005. The council shall also*
20 *develop criteria for county offices of education to consider when*
21 *selecting and hiring county school nurse consultants.*

22 (d) *The members of the council shall serve without*
23 *compensation. However, expenses of members incurred to attend*
24 *meetings shall be reimbursed at the applicable rate for state*
25 *employees. The council may meet four times each year in*
26 *Sacramento and may be comprised of representatives from the*
27 *following organizations: American Lung Association of*
28 *California, American Cancer Society, American Diabetes*
29 *Association, American Academy of Pediatrics, California School*
30 *Nurses Organization, California State PTA, California Teachers*
31 *Association, American School Health Association, Association of*
32 *California School Administrators, California School Boards*
33 *Association, California Medical Association, California Dental*
34 *Association, schools of nursing, School Nurse Credentialing*
35 *Program, Commission on Teacher Credentialing, the Attorney*
36 *General, California Association of School-Based and*
37 *School-Linked Health Programs, youth groups, health*
38 *maintenance organizations, the State Department of Education,*
39 *and the State Department of Health Services.*

1 SEC. 3. Article 3 (commencing with Section 49440) is added
2 to Chapter 9 of Part 27 of the Education Code, to read:

3
4 Article 3. Tobacco Settlement Fund
5

6 49440. It is the intent of the Legislature to reach the stated
7 national goal of one credentialed school nurse to every 750 pupils
8 in general education and one credentialed school nurse to every
9 200 special education pupils.

10 49441. The Tobacco Settlement Fund is hereby established in
11 the State Treasury. Commencing July 1, 2004, 10 percent of the
12 state share of all funds received from the tobacco litigation Master
13 Settlement Agreement of 1998 shall be deposited in the Tobacco
14 Settlement Fund. The sum of _____ dollars (\$_____) is hereby
15 appropriated from the Tobacco Settlement Fund for allocation
16 pursuant to the following schedule:

17 (a) The sum of fifty-six million thirty thousand dollars
18 (\$56,030,000) to the State Department of Education for the
19 2004–05 fiscal year.

20 (b) The sum of one hundred twelve million sixty thousand
21 dollars (\$112,060,000) to the State Department of Education for
22 the 2005–06 fiscal year.

23 (c) The sum of one hundred sixty-eight million ninety thousand
24 dollars (\$168,090,000) to the State Department of Education for
25 the 2006–07 fiscal year.

26 (d) The sum of two hundred twenty-four million one hundred
27 twenty thousand dollars (\$224,120,000) to the State Department
28 of Education for the 2007–08 fiscal year.

29 (e) The sum of two hundred eighty million one hundred fifty
30 thousand dollars (\$280,150,000) to the State Department of
31 Education for the 2008–09 fiscal year.

32 (f) The sum of one hundred sixty-three thousand dollars
33 (\$163,000) for each school nurse credentialing program at the
34 California Community Colleges, the California State University,
35 and the University of California for the 2004–05, 2005–06,
36 2006–07, 2007–08, and 2008–09 fiscal years, to the State
37 Department of Education for allocation to the California State
38 University and the University of California for purposes of
39 funding new students in existing school nurse credentialing
40 programs.

(g) The sum of seven thousand five hundred dollars (\$7,500) for the 2004–05, 2005–06, 2006–07, 2007–08, and 2008–09 fiscal years for each campus of the California State University and each community college campus that is connected to the California State University network for distance education to the State Department of Education for allocation to those campuses.

(h) The sum of one hundred fifty thousand dollars (\$150,000) for the administrative costs of the State Department of Education.

(i) The sum of one hundred forty-four thousand dollars (\$144,000) to the Superintendent of Public Instruction for the costs of the advisory council established pursuant to Section 49427.

49442. The funds allocated to the State Department of Education in subdivisions (a) to (e), inclusive, of Section 49441 shall be apportioned to school districts that maintain prekindergarten, kindergarten, or grades 1 to 12, inclusive, including, but not limited to, general education pupils, continuation and alternative education programs, court and community schools overseen by county offices of education, community day schools overseen by school districts, and pregnant minor programs.

49443. For the 2004–05 fiscal year, the State Department of Education shall apportion ten thousand dollars (\$10,000) to each school district and county office of education for allocation to each school to supplement its school nursing services. For the 2005–06, 2006–07, 2007–08, and 2008–09 fiscal years, the State Department of Education shall apportion funds to school districts and county offices of education with jurisdiction over eligible schoolsites, based on pupil enrollment with a minimum allocation of ten thousand dollars (\$10,000) for each schoolsite.

49444. Funds allocated to schools shall be used for the following:

(a) Assuring that schools with the greatest needs receive maximum school nursing coverage on a daily basis.

(b) Developing comprehensive school health services and programs provided and supervised by credentialed school nurses.

(c) Funding infrastructure for university school nurse credentialing programs.

(d) Assuring every classroom has access, directly or indirectly, to school nurse expertise.

- 1 (e) Supplementing, not supplanting existing funding.
- 2 (f) Training, monitoring, and supervising other caregivers in
- 3 the school setting.
- 4 (g) Providing health services required under existing law.
- 5 (h) Developing a process to assess outcomes and quality of
- 6 enhanced services provided.

